

PROCEEDINGS OF THE COMMON COUNCIL

IN Reorganization SESSION

January 5, 1933

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Monday EVENING January 5, 1933,  
IN Reorganization SESSION. PRESIDENT Thomas C. Henry  
IN THE CHAIR, COUNCIL ATTORNEY Stanley G. Service, AND  
Landon E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE  
FOLLOWING MEMBERS nine VIZ:

BRADBURY <u>✓</u>	EDMONDS <u>✓</u>	GIAQUINTA <u>✓</u>
HENRY <u>✓</u>	LONG <u>✓</u>	LUNSEY <u>✓</u>
RAVINE <u>✓</u>	SCHMIDT <u>✓</u>	TALARICO <u>✓</u>

ABSENT: \_\_\_\_\_

COUNCILMEMBER: \_\_\_\_\_  
\_\_\_\_\_

THE MINUTES OF THE LAST REGULAR \_\_\_\_\_, 19\_\_\_\_

SPECIAL \_\_\_\_\_, 19\_\_\_\_

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.

COMMON COUNCIL COMMITTEE APPOINTMENTS

JANUARY 5, 1993

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FINANCE COMMITTEE

\* ARCHIE L. LUNSEY & DONALD J. SCHMIDT - CO-CHAIRPERSONS  
THOMAS C. HENRY  
DAVID C. LONG  
CLETUS R. EDMONDS

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REGULATIONS COMMITTEE

\*\* DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS  
ARCHIE L. LUNSEY  
DONALD J. SCHMIDT

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PUBLIC WORKS COMMITTEE

SAMUEL J. TALARICO - CHAIRPERSON  
CLETUS R. EDMONDS - VICE CHAIRPERSON  
MARK E. GIAQUINTA  
JANET G. BRADBURY

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CITY UTILITIES COMMITTEE

JANET G. BRADBURY - CHAIRPERSON  
SAMUEL J. TALARICO - VICE CHAIRPERSON  
REBECCA J. RAVINE  
THOMAS C. HENRY

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COMMITTEE OF THE WHOLE

THOMAS C. HENRY - CHAIRPERSON  
MARK E. GIAQUINTA - VICE CHAIRPERSON  
ALL COUNCIL MEMBERS

---

MARK E. GIAQUINTA - PRESIDENT      THOMAS C. HENRY - VICE PRESIDENT

---

\* DONALD J. SCHMIDT - JANUARY THRU JUNE & BUDGET  
\* ARCHIE L. LUNSEY - JUNE THRU DECEMBER  
\*\* DAVID C. LONG - JANUARY THRU JUNE  
\*\* REBECCA J. RAVINE - JUNE THRU DECEMBER

COMMON COUNCIL APPOINTMENTS  
TO COMMISSIONS

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\*\*\*\*\*

CITY PLAN COMMISSION

THOMAS C. HENRY - JANUARY THRU JUNE

DONALD J. SCHMIDT - JUNE THRU DECEMBER

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METROPOLITAN HUMAN RELATIONS

CLETUS R. EDMONDS

---

ARTS UNITED

REBECCA J. RAVINE

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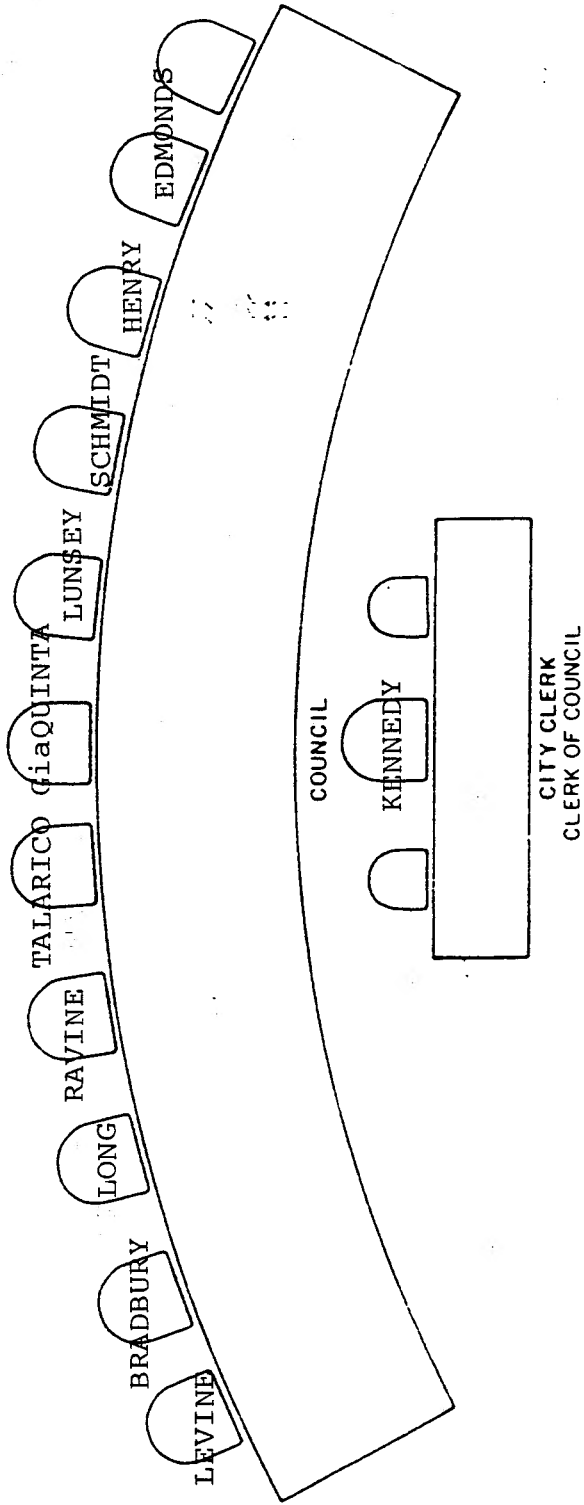
CABLE TV PROGRAMMING ADVISORY COUNCIL

DAVID C. LONG

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COUNCIL CHAMBER  
SEATING ARRANGEMENT

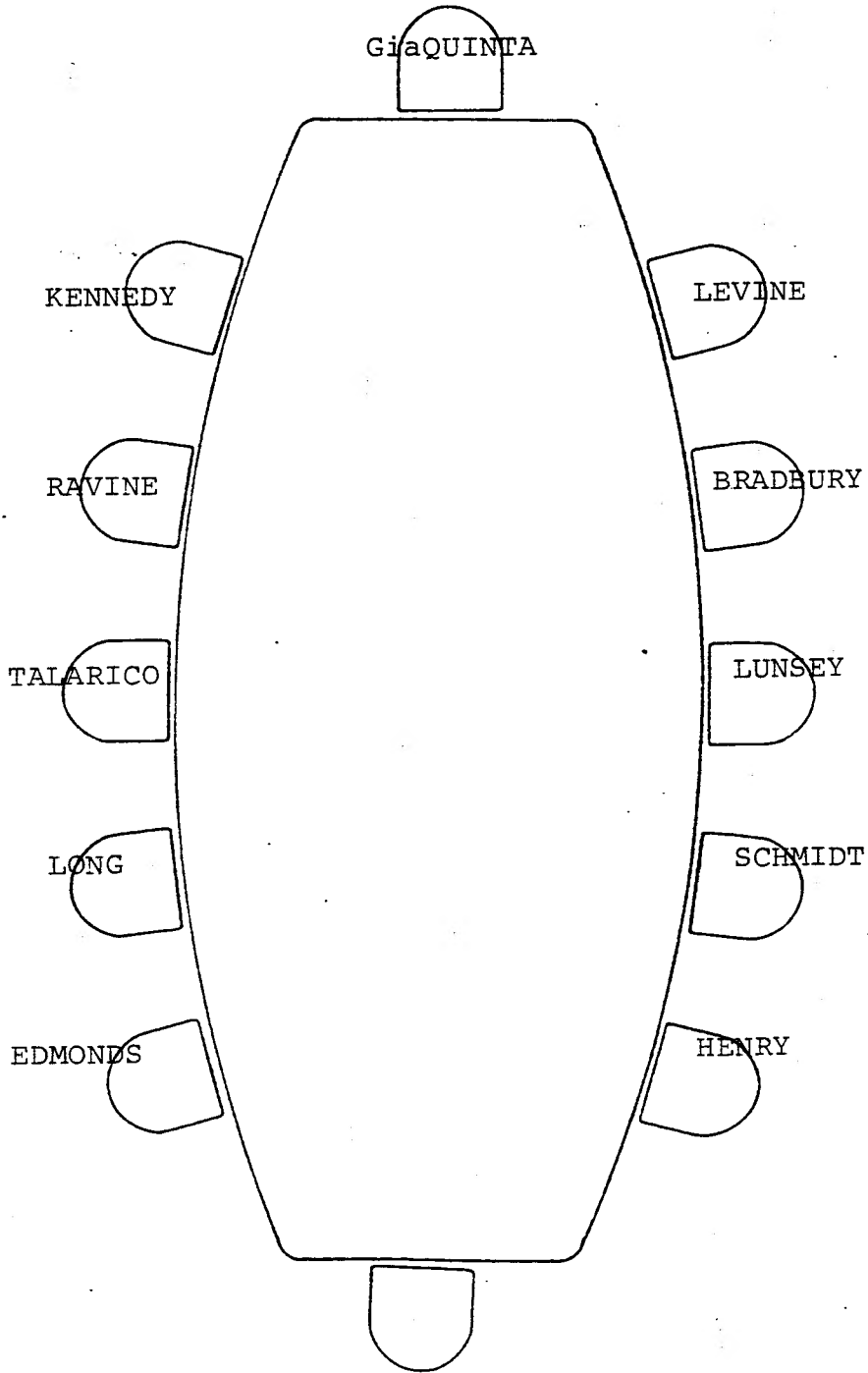
ROOM 126



CITY COUNCIL CONFERENCE ROOM

ROOM 128

COMMITTEE OF THE WHOLE MEETINGS TO BE  
HELD IN ROOM 128



SEATING ARRANGEMENT



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

December 29, 1992

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

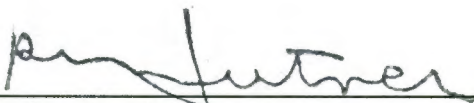
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-12-06

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
29th day of December 1992.

  
Robert Hutner  
Secretary

/pb

CC: File

# FACT SHEET

Z-92-12-06

BILL NUMBER

## Division of Community Development & Planning

**BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From R-1 &amp; B1B to B3B

**DETAILS****Specific Location and/or Address**

3030 Wayne Trace

**Reason for Project**

Used Car Lot

**Discussion (Including relationship to other Council actions)**December 21, 1992 - Public Hearing

Mark Nei, property owner appeared before the Commission. Mr. Nei stated that he was willing to amend his request per the staff recommendation. He would be willing to eliminate lots 17 through 20 from the rezoning request and only request to rezone lots 11 through 14, which front on Wayne Trace.

Steve Smith questioned what he would be using the property for.

Mr. Nei stated that it would be used for the sale of used cars. He stated that eventually he would like to raze the building that was there and build a new one.

Florence Weaver, 3001 Drexel Avenue, the Secretary of the Greater McMillen Neighborhood Association stated that they feel that their area already has enough used car lots and that this rezoning was unnecessary.

Mr. Nei stated in rebuttal that he was willing to improve the location. He stated that when

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Mark Nei

City Department

Other

**Opponents****Groups or Individuals**Florence Weaver, 3001 Drexel  
Sec of Grtr McMillen Assn**Basis of Opposition**-felt there was no need for  
another car lot in this area**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against  
☐ No Action Taken☒ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other  
☐ Pass (as  
amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

# DETAILS

he purchased the property it was a mess. He stated that lots 17 through 20 have been used for dumping sites. He stated that lots 11 through 14 had been used for a used car lot for over 25 years and he was just reopening it as a new one. He stated that he spent several days cleaning the property up and it already looks better than it has for the past two years.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

## December 28, 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation as perfected. The rezoning be perfected to include only lots 11 through 14 inclusive.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion Carried.

# POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 16 November 1992

Projected Completion or Occupancy

Date 29 December 1992

Fact Sheet Prepared by

Date 29 December 1992

Patricia Biancaniello

Reviewed by

Date

29 DECEMBER 1992

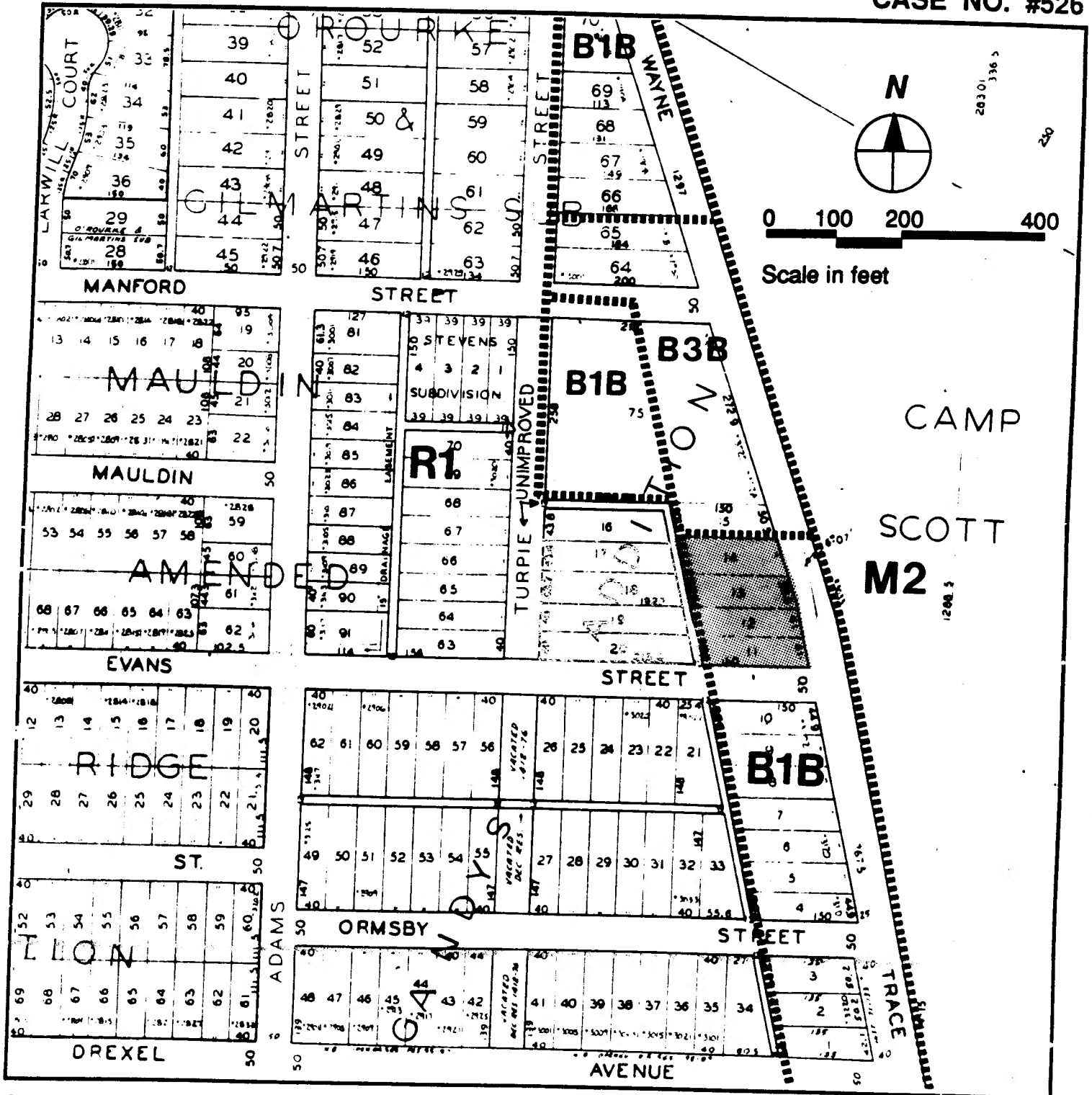
Reference or Case Number



# REZONING PETITION

## AREA MAP

CASE NO. #526



COUNCILMANIC DISTRICT NO. 6

Map No. Q-7  
LW 11-25-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 8, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-12-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

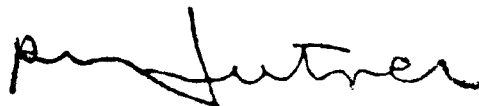
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1992.

Certified and signed this  
29th day of December 1992.



Robert Hutner  
Secretary

Mark C. Nei request a change of zone from B-1-B & R-1 to B-3-B.

Location: 3030 Wayne Trace

Legal: Lots 11-12-13-14-17-18-19 and 20 Gandys Addition.

Land Area: Approximately 1.2 acres

Zoning: B-1-B and R-1

Surroundings:

North	B3B/B1B	Commercial
South	B1B/R1	Commercial
East	M-2	Industrial
West	R-1	Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Greater McMillen Park

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: The Neighborhood Planning Staff recommends that only the four lots along Wayne Trace be rezoned. Also, if the four lots west of the unimproved alley are rezoned, then a buffer of some sort is needed to shield those remaining homes along Adams Street, Evans Street and Turpie Street from the commercial use.

If the back (or west) four lots are not rezoned or buffered then no storage of vehicles should occur in this area. While this neighborhood has seen better days it has at this point stabilized and any small scale commercial use will benefit this general area.

Landscape: No comment.

### Planning Staff Discussion:

This area of Wayne Trace is located north of Oxford Street and has primarily been developed commercially. Turpie Street is the western boundary of this petition, but is only a "paper street". Neither it, nor the north-south alley has been improved.

Residential development has occurred to the west and would be potentially impacted by the rezoning of the western lots of this petition. The goals of the Comprehensive Plan are to maintain investment and to prevent deterioration of existing neighborhoods. Because of the intensity of the requested zoning, and the potential negative impacts that could be associated with permitted development, staff supports only a portion of this petition.

The extension of the B-3-B zoning along the Wayne Trace frontage appears to be appropriate, and would not necessarily be contrary to established goals. However approval of the request for the rear or western lots could present a fatalistic move in terms of attaining the area goals.

Staff suggest that the petition be perfected to include only lots 11 through 14 inclusive, and then be approved. The remaining lots would retain the existing residential zoning, and could serve as a limited buffer.

Recommendation: Perfect the petition to only lots 11 through 14 inclusive, and grant a "Do Pass" for the following reasons:

- 1) Approval as perfected would be in character with development along Wayne Trace.
- 2) Approval as perfected would be consistent with the goals of the Comprehensive Plan.



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

December 29, 1992

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:


Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-12-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
29th day of December 1992.

  
\_\_\_\_\_  
Robert Hutner  
Secretary

/pb

CC: File

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

# FACT SHEET

Z-92-12-07

BILL NUMBER

## Division of Community Development & Planning

**BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From B1B to B3B

**DETAILS****Specific Location and/or Address**

3030 No Clinton St

**Reason for Project**

Pawn Shop

**Discussion (Including relationship to other Council actions)**December 21, 1992 - Public Hearing

See Attached Minutes of Meeting

December 28, 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, 1 did not vote.

Motion carried.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

Applicant(s)  
Gordon Miles & Don Elliott  
City Department

Other

**Opponents**

Groups or Individuals

See Attached Minutes

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

**Project Start**

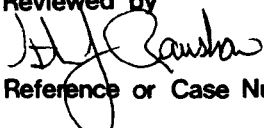
**Date** 19 November 1992

**Projected Completion or Occupancy**

**Date** 29 December 1992

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** 29 December 1992

**Reviewed by**  
  
**Reference or Case Number**

**Date** 29 DECEMBER 1992

b. Bill No. Z-92-12-07 - Change of Zone #527  
From B1B to B3B  
3030 No Clinton St

Pete Mallers, attorney, representing the owners (Gordon Miles and Don Elliot) and the proposed purchaser (James Gulley), appeared before the Commission. Mr. Mallers stated that the property is approximately .6 of an acre and was last used as the Body Works Fitness Center and has been vacant for nearly a year. He stated that Mr. Gulley intends to purchase lot 51 also, as shown on the map provided by staff. He stated however that lot 51 will not be rezoned as part of this petition. He stated that this property is located at the south edge of a very large B3B area on the east side of North Clinton, which extends north past the North Clinton Coldwater split. He stated that the B1B area, of which this property is a part, extends south to Dunnwood Drive and includes a bridal gown-formal wear and a fashion nail operation. He stated that south of Dunnwood is a nursing home. He stated that the residential area that begins south of the nursing home is approximately 350 feet from the subject property. He stated that the west side of Clinton is B1B for 200 feet then it becomes B4 to the north and B3B north of that up to Coldwater Road. The businesses in this vicinity include an auto parts store, a used car dealer, auto repair, gas station, equipment rental, car wash and numerous other businesses. He stated that they believe that this petition is in conformance with the Comprehensive Plan, in that approval would follow what clearly is a general commercial plan for this section of North Clinton. He stated that because of the contiguous area of B3B zoning to the north, they feel that approval of the petition would not establish an undesirable precedent. He stated that inasmuch as the goal for this area is to maintain investments and prevent deterioration, they believe, that filling a building that has been vacant for a year and improving the premises to make it an attractive piece of property, both support this goal. He stated that approving the rezoning and allowing the property to be occupied and improved would help preserve property values throughout the area, and could even increase the values through improvement of the property itself. He stated that Mr. Gulley is the owner of B&B Loan, which is located presently across Calhoun Street from the City-County Building. He stated that the proposed use for the property is a pawn shop. He stated that there are two key points to remember, first any fear surrounding pawn shops are based on myth not fact. Second, pawn shops are permitted in a B3B zone. He stated that so long as B3B is appropriate for this property, which they feel has been demonstrated, the rezoning petition should be approved. He stated that B&B Loan has operated in Fort Wayne since 1946. He stated that the business has grown over the years to the point where Mr. Gulley would like to open a second operation, which will also serve to protect his market. He stated that the new business will be named Fidelity Loan and it will be essentially the same operation as B&B on Calhoun Street. He stated that Mr. Gully estimates that he will spend at least \$50,000 in improving the property. He stated that the pawn shop business is a two-fold operation, it is



a banking type source of loans, regulated by the State Board Financial Institutions. He stated it is also retail merchandise sales. He stated that pawn shops are strictly regulated by state law. He stated that on a local level measures have been put in place to work with the Fort Wayne Police Department to locate and recover stolen property. He stated that daily reports on all items provided as collateral are given to the police department for cross checking purposes. He stated that individuals requesting loans must provide positive identification, vital statistics and provide their thumb prints and they must affirm that the property that they are providing as collateral is their own property. He stated that national statistics show that less than 1/10th of a percent of stolen merchandise in the United States ends up in pawn shops. He stated if stolen property is discovered there is a mechanism in place to have it returned to its rightful owner. He stated it becomes part of the crime solving network, and because of the strict measures that have been implemented most thieves avoid pawn shops. He stated that the business will be open Monday through Saturday 9 am to 6 pm. He stated that it will be well secured and will be an operation that will improve the surrounding area and not detract from it. He stated that they contacted the person who is on file as the registered representative for the Northside Triangle Association. He stated that they were willing to schedule a meeting with any interested parties to discuss the plans for this property and even to consider to enter into a covenant with the association. He stated that he spoke a couple of times with Jeff Williams, who is the association representative and was told by him that 4 people had responded to the notice that was sent indicating that they would be willing to meet. He stated that they would still meet with those 4 people at any time. He stated that he spoke with one of the 4 individuals who told him that there was no point in meeting to discuss any private covenant or discuss their plans, because the residents were going to be opposed to the proposed pawn shop in any event. He stated that they believed the property should be rezoned to B3B for the following reasons. The petition fits within the Comprehensive Plan. The existing conditions, structures and uses in the area support the proposed change in classification. The property has been vacant for a year and is seemingly undesirable except for the use which falls within the B3B zone. The fact that the property will be occupied and improved will conserve property values in the area and the continuation of a B3B area to this property, with lot 51 remaining as a residential buffer on the east, and the other B1B buffer to the south, constitutes responsible development and growth. He respectively requested that the petition be approved.

Don Schmidt stated that he understood that there would be two functions at the location, one is a banking function, one is a retail function. He questioned if it were true that if it were a retail function only you could exist in a B1B, if you were a banking function only you could also exist in a B1B.

Mr. Mallers stated that was correct.

Mr. Schmidt stated that when you put the two together you must have a B3B. He stated that the law seems inconsistent.

Mr. Mallers stated that perhaps a more appropriate placement for this business would be B1B. He stated he was unsure of the reason for the B3B requirement, it may be a combination of the two functions, it may be the fact that there is used property that is part of the retail sales. He stated that it may have something to do with the historical stigma attached to pawn shops.

The following people spoke in opposition to the proposed reclassification.

Mike Crouch, 335 Field Street  
Matt Barnes, 330 Dalgren  
Chris Brown, 2334 Eastbrook Dr  
John Sealy, 330 Irvington Dr  
Paul Pfister, 125 Norfolk Av

The concerns expressed were:

- it was stated that even though Jeff Williams was contacted, the Neighborhood Association is not a functioning one, not since the Hanchar Hazard Waste issue
- the existing traffic flow is extremely heavy and dangerous on North Clinton in this area, this type of business would only add to that hazard
- they felt the increased traffic generated would be a potential danger to the children in the area
- it was noted that they also get a great deal of cut through traffic from Spy Run to Clinton and felt that this type of business would only increase that traffic
- the type of use (pawn shop) would bring a type of client that would create a potentially dangerous element in the area
- it was noted that there is one full time police officer who checks the pawn shop receipts daily against stolen property reports
- it was pointed out that there are stolen items accepted by the pawn shop, in one month out of 1,040 tickets that the property that had serial numbers on were analyzed and 21 of these items were stolen property - it was noted by the officer that not all property has serial numbers and are traceable - it was stated that this shows that there is a relationship between pawn shops and crime
- it was stated that they find the police monitoring of a pawn shop objectionable, monitoring does not mean prevention
- they felt this use (pawn shop) was not in keeping with the development of the area
- it was noted that the Dalgren was basically the breaking off point for the B3B zoning classification in this area, that the properties south of Dalgren are B1B and lesser classifications
- it was noted that with all the uses allowed in a B1B zoning they did not feel that they should need to rezone in order to find a tenant or purchaser for this building.

In rebuttal Mr. Mallers stated that with regard to the relationship

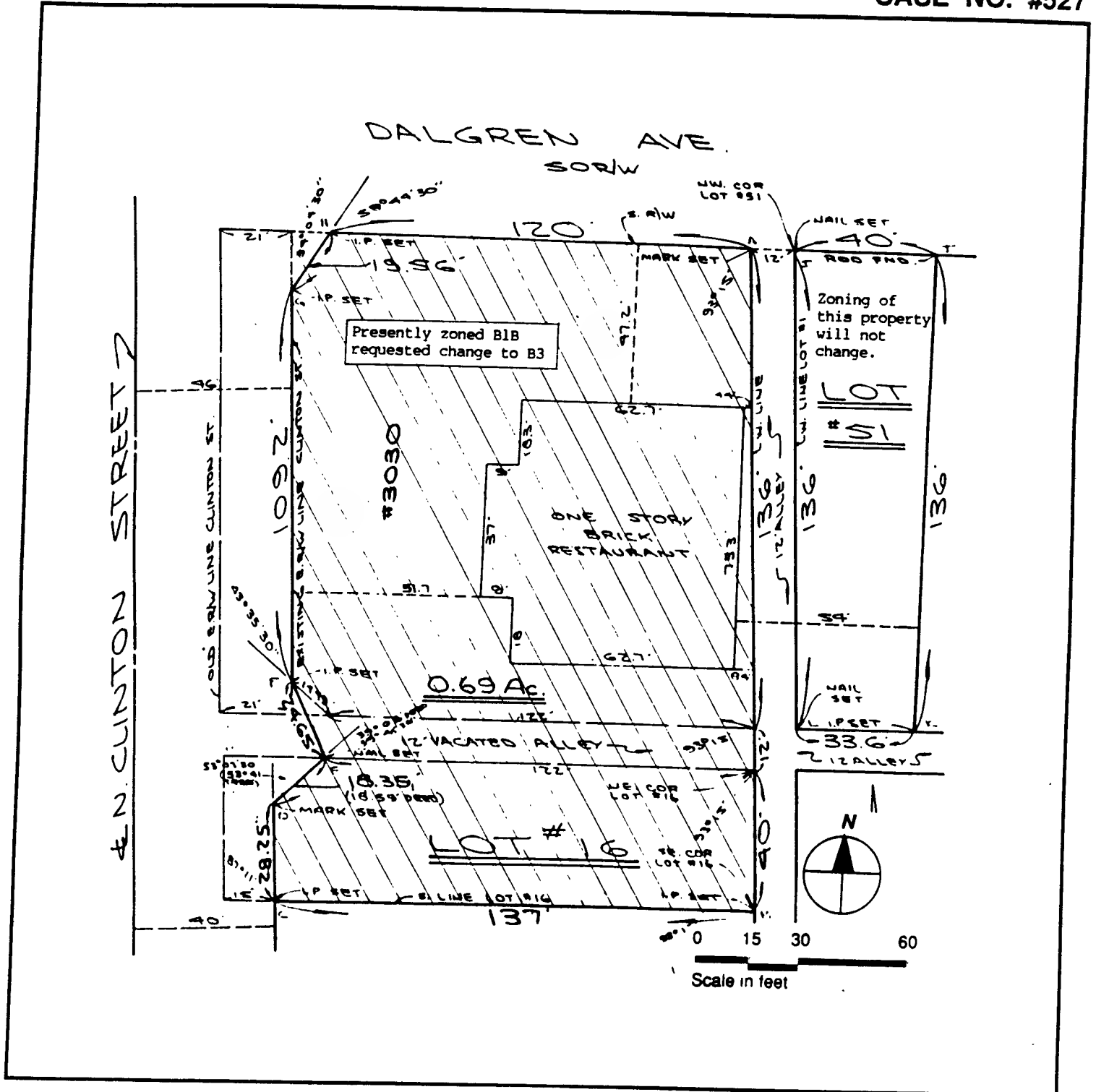
between pawn shops and crime, he would emphasize that he also spoke with the officer assigned to policing the pawn shops, and was informed by the officer that a pawn shop is an asset to the community. He confirmed that it is part of the solution and not part of the problem, due to the methodology of recording the items that are brought in, the record keeping and the process by which they are returned to the owner. Mr. Mallers stated that with regard to traffic he spoke with Richard Bacon an engineer in the city's traffic engineering department. He stated that Mr. Bacon confirmed that the average daily traffic between State Street and the Clinton/Coldwater split is 50,848. He asked Mr. Bacon if in the event any business were to bring in up to 400 vehicles a day, which seems unlikely for the business in question, how would it affect the traffic. Mr. Bacon indicated that because of the turn lane in the middle additional traffic should have no effect at all on the overall flow. Mr. Mallers stated that you are allowed restaurants in the current classification. He stated that they would have later hours and would generate just as much traffic. He stated that you could also have a pool hall in a B1B district. He stated that they could have a liquor license and be open late hours. He stated that if they are concerned about "unsavory" characters, if they are going to make their argument on stigma and myths, perhaps a pool hall should be grouped in as undesirable. He stated that by the occupying and improving of vacant property goes a long way in solving a problem for the area. He stated that having a vacant building in that area that is close to a residential area, is more of a problem than having a pawn shop.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

# REZONING PETITION

## AREA MAP

CASE NO. #527



COUNCILMANIC DISTRICT NO. 3

Map No. M-22  
LW 11-25-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 8, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-12-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;


(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1992.

Certified and signed this  
29th day of December 1992.



Robert Hutner  
Secretary

Stephen J. Wesner, agent for Gordon H. Miles and Don W. Elliot, requests a change of zone from B-1-B to B-3-B.

Location: 3030 North Clinton Street  
Legal: See file  
Land Area: Approximately 0.7 acres  
Zoning: B-1-B  
Surroundings: North B-3-B Commercial (Auto Repair)  
South B-1-B Commercial/Residential  
East R-1 Residential  
West B-1-B Commercial

Reason for Request: Not stated on petition.

Neighborhood Assoc.: North Triangle

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located in the Middle Ring. the goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This site is located at the corner of Dalgren and Clinton Streets. It formerly housed a restaurant, then exercise center, and has been empty for a number of months.

Staff has a lot of concern for this area in that the Clinton Street frontage is clearly commercial in nature, but there is viable residential development to the east and west. Staff would like to encourage the commercial uses while preserving the quality of life in the residential areas.

To some extent this petition offers a unique situation in that

the petitioners also own lot 51 (immediately east) which will remain residential. Preservation of this residentially zoned lot will offer some mitigation measures.

The increase in potential intensity of use by approving this request should be minimal. North Clinton Street already carries high volumes of traffic. The residential uses to the east and west will not be noticeably effected, and the reuse of the existing building will improve overall security in the area.

Recommendation: Do Pass for the following reasons:

- 1) Approval furthers the goals of the Comprehensive Plan by allowing reuse of the existing building.
- 2) Approval will not have a negative impact on any adjacent property or property values.



Paul Helmke  
Mayor

# THE CITY OF FORT WAYNE



December 29, 1992

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-12-08;

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
29th day of December 1992.

Robert Hutner  
Secretary

/pb

CC: File

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802



# FACT SHEET

Z-92-12-08

BILL NUMBER

## Division of Community Development & Planning

**BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From R-1 to B-4

**DETAILS****Specific Location and/or Address**

1616 E Coliseum &amp; 4000 Parnell

**Reason for Project**

To provide proper zoning for this parcel.

**Discussion (Including relationship to other Council actions)**December 21, 1992 - Public Hearing

Randy Brown, General Manager of the Coliseum appeared before the Commission. Mr. Brown stated that they were there at the request of the Plan Commission staff. He stated that the property is currently zoned R-1 - Single Family Residential. He stated that the staff had come to him and asked that they request the rezoning to a B-4 classification, which given their location and the activity around it, is better suited to the activities taking place at the Coliseum.

Don Schmidt questioned why after all these years are they changing the zoning.

Mr. Brown stated that they are being quality minded and civic governmental employees, who at the request of another governmental entity came forward and asked for this rezoning.

Steve Ranshaw, Senior Planner with Land Use Management, stated that they are requesting the property be rezoned to a classification that is more appropriate for the uses going on there, and more appropriate for the

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

Applicant(s)  
Board of Commissioners  
County of Allen  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

# DETAILS

location. He stated that the B-4 classification would permit the uses that are on the site at the present time and may be able to anticipate any future expansions more easily than the R-1 classification. He stated that he was not here when the Coliseum was originally developed. He stated that he did not understand why this is zoned R-1, or has continued to be zoned R-1. He stated that they are requesting this rezoning to make sure that the uses that are there are in a classification that is appropriate. He stated that this would provide for more appropriate development for the Coliseum in the future.

Don Schmidt stated that he did not understand why they had waited all these years to reclassify this property. He questioned if there was some future development that the staff has in mind that would constitute the need for the reclassification.

Mr. Ranshaw stated that at this point in time the Coliseum must go before the Board of Zoning Appeals for any future expansion.

Steve Smith questioned that when the Coliseum parking lot hosts things like the auto dealers tent show and the carnival, are they violating the law by holding those in an R-1 District.

Mr. Ranshaw stated that if you went to the strictest interpretation of the ordinance he would say yes. Those are not functions that are allowed in an R-1 district.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

December 28, 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one did not vote. Motion carried.

Project Start

Date November 20, 1992

Projected Completion or Occupancy

Date December 29, 1992

Fact Sheet Prepared by

Date December 29, 1992

Patricia Biancaniello

Reviewed by

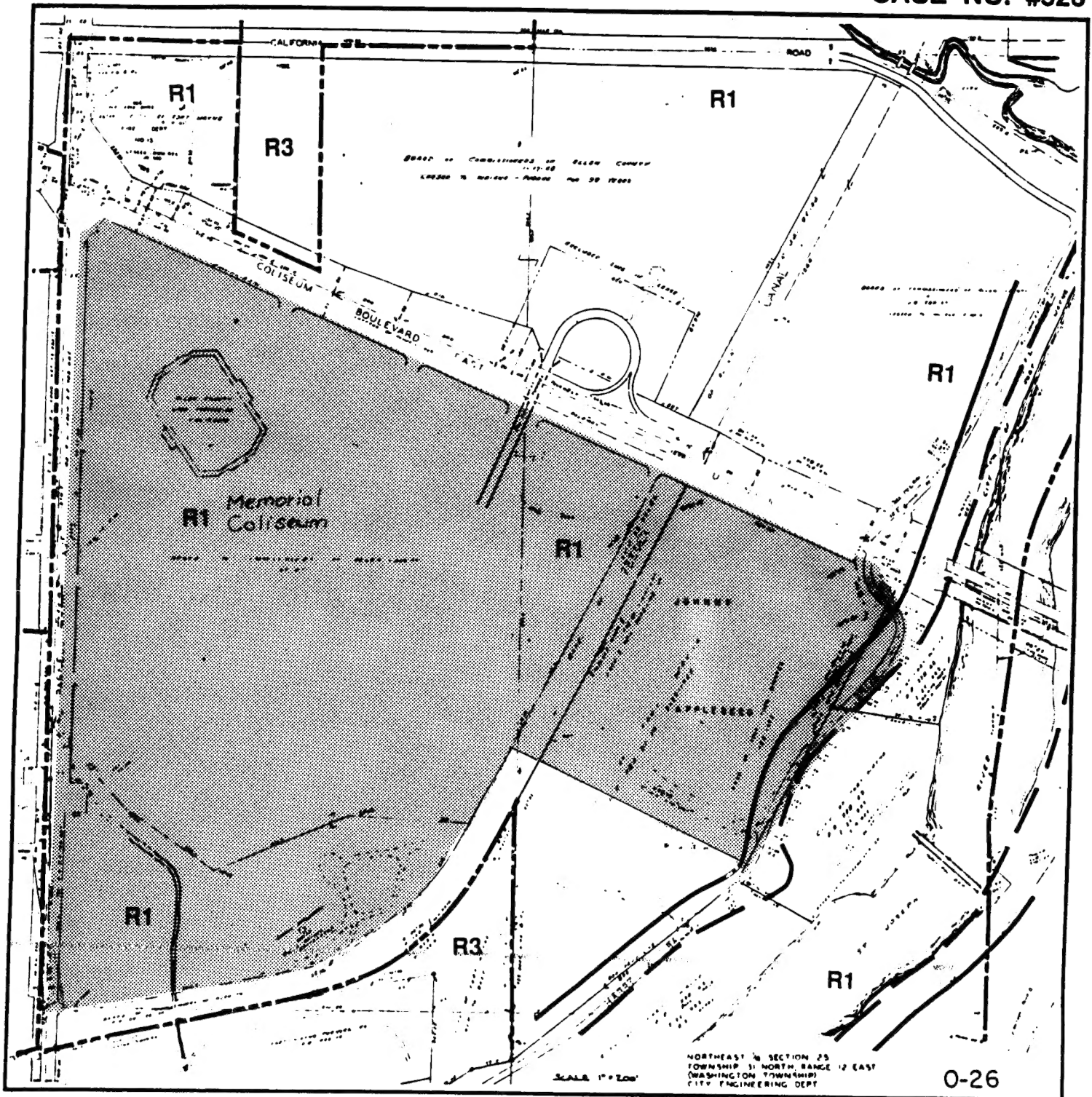
Date DECEMBER 29, 1992

Reference or Case Number

# REZONING PETITION

## AREA MAP

CASE NO. #528



COUNCILMANIC DISTRICT NO. 3

Map No. O-26  
LW 11-25-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on 12-8-92 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-12-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1992.

Certified and signed this  
29th day of December 1992.



Robert Hutner  
Secretary

Able Ringham Moake Park, Inc., agents for the Board of Commissioners, County of Allen, request a change of zone from R-1 to B-4.

Location: The southeast corner of Parnell Avenue and Coliseum Blvd.

Legal: See file

Land Area: Approximately 70.3 acres

Zoning: R-1

Surroundings:	North	R-1	IU-Purdue
	South	R-3	Private club
	East	R-1	City park and river
	West	B4/B2C	Commercial

Reason for Request: To provide proper zoning for this parcel.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located in the Middle Ring. the goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This acreage, containing the Allen County War Memorial Coliseum and the new baseball stadium, is zoned residually. The actual development of the acreage has been by a government unit for recreational and public arena uses, and has proceeded under variance through the Board of Zoning Appeals as appropriate.

The zoning pattern along Coliseum Blvd. (to the west) is typically B-4, a roadside business designation, with a scattering of planned developments. The B-4 designation would allow the continued use and growth of the Coliseum grounds for the already

established uses, and would avoid a number of potential constraints.

Staff urged the Allen County Commissioners to petition for rezoning in order to expedite future development of this site.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with existing development patterns in this area.
- 2) Approval is consistent with the goals of the Comprehensive Plan.
- 3) Approval will rectify a unique situation that was created due to governmental development.